

JUN 08 2006

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 14

Application Number	10/783,880
Filing Date	February 19, 2004
First Named Inventor	Tobin C. Island
Art Unit	3739
Examiner Name	Henry M. Johnson III
Attorney Docket Number	354806-991100 (2502187-991100)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form SB/08a, SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached PTO/SB/08a and PTO/SB/08b be made of record in this application.

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," *Off. Gaz. Pat. Office* 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/783,880
		Filing Date	February 19, 2004
		First Named Inventor	Tobin C. Island
		Art Unit	3739
		Examiner Name	Henry M. Johnson III
(Use as many sheets as necessary)		Attorney Docket Number	354806-991100 (2502187-991100)
Sheet	2	of	14

Each item of information listed in the attached FORM PTO/SB/08a, and FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Date:

6-6-06

Respectfully submitted,

DLA Piper Rudnick Gray Cary US LLP

By:



Alan A. Limbach

Reg. No. 39,749

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June 6, 2006
Date


Kathleen LaBrie

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 3

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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		10/794,676	03-03-04	Weckworth et al.	
		R 36,634	03-28-00	Ghaffari	
		3,307,533	03-07-67	Liebner	
		3,538,919	11-10-70	Meyer	
		3,622,743	11-23-71	Muncheryan	
		3,693,623	09-26-72	Harte	
		3,821,510	06-28-74	Muncheryan	
		3,834,391	09-10-74	Block	
		4,140,130	02-79	Storm, III	
		4,232,678	11-11-80	Skovajsa	
		4,388,924	06-21-83	Weismann	
		4,354,092	10-12-82	Manabe et al.	
		4,423,736	01-03-84	DeWitt et al.	
		4,846,184	07-11-89	Comment et al.	
		4,551,628	11-05-80	Grossman	
		4,573,466	03-04-86	Simada et al.	
		4,592,353	06-03-86	Daikuzono	
		4,608,978	09-02-86	Rohr	
		4,617,926	10-21-86	Sutton	
		4,690,141	09-01-87	Castel	
		4,733,660	03-29-88	Itzkan	
		4,829,262	05-09-89	Furumoto	
		4,930,504	06-05-90	Diamantopoulos et al.	
		5,057,104	10-15-91	Chess	
		5,059,192	10-22-91	Zaias	
		5,075,971	12-31-91	McCambridge	
		5,107,832	04-92	Guibert et al.	
		5,109,465	04-28-92	Klopotek	
		5,226,907	07-13-93	Tankovich	
		5,259,380	11-09-93	Mendes et al.	
		5,282,797	02-01-94	Chess	
		5,344,418	09-06-94	Ghaffari	
		5,360,426	11-01-94	Muller et al.	
		5,401,270	03-28-95	Mueller	

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP '609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
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				Filing Date	February 19, 2004	
				First Named Inventor	Tobin C. Island	
				Art Unit	3739	
				Examiner Name	Henry M. Johnson III	
Sheet	4	of	14	Attorney Docket Number		354806-991100 (2502187-991100)

U. S. PATENT DOCUMENTS					
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		5,405,368	04-11-95	Eckhouse	
		5,425,728	06-20-95	Tankovich	
		5,431,647	07-11-95	Purcell, Jr.	
		5,464,434	11-07-95	Alt	
		5,486,172	01-23-96	Chess	
		5,519,534	05-21-96	Smith	
		5,549,660	08-27-96	Mendes et al.	
		5,556,612	09-17-96	Anderson	
		5,595,568	01-21-97	Anderson et al.	
		5,606,798	03-04-97	Kelman	
		5,624,435	04-29-97	Furumoto	
		5,628,744	05-13-97	Colman et al.	
		5,630,811	05-20-97	Miller	
		5,632,741	05-27-97	Zavislan	
		5,643,252	07-01-97	Waner et al.	
		5,647,866	07-15-97	Zaias	
		5,658,323	08-19-97	Miller	
		5,669,916	09-23-97	Anderson	
		5,683,380	11-04-97	Eckhouse	
		5,700,240	12-23-97	Barwick, Jr.	
		5,728,090	03-17-98	Martin	
		5,735,844	04-07-98	Anderson et al.	
		5,752,948	05-19-98	Tankovich	
		5,752,949	05-19-98	Tankovich	
		5,766,214	06-19-98	Mehl, Sr.	
		5,769,844	06-23-98	Ghaffari	
		5,814,040	09-98	Nelson et al.	
		5,817,089	10-06-98	Tankovich	
		5,820,625	10-13-98	Izawa	
		5,824,023	10-20-98	Anderson	
		5,830,208	11-1998	Muller	
		5,843,072	12-01-98	Furumoto	
		5,846,252	12-08-98	Mehl, Sr.	
		5,849,029	12-15-98	Eckhouse	
		5,853,407	12-29-98	Miller	

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Sheet	5	of	14	Attorney Docket Number	354806-991100 (2502187-991100)

U. S. PATENT DOCUMENTS					
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		5,868,732	02-09-99	Waldman	
		5,871,479	02-16-99	Furumoto	
		5,871,480	02-16-99	Tankovich	
		5,871,521	01-16-99	Kaneda	
		5,879,346	03-09-99	Waldman	
		5,885,273	03-23-99	Eckhouse	
		5,966,210	10-12-99	Roscow et al.	
		5,968,034	10-19-99	Fullmer et al.	
		5,989,267	11-23-99	Anderson	
		6,015,404	01-18-00	Altshuler	
		6,059,765	05-09-00	Cole	
		6,080,146	06-27-00	Altshuler	
		6,096,029	08-01-00	O'Donnell, Jr.	
		6,138,041	10-24-00	Yahia	
		6,160,831	12-12-00	Kleinschmidt	
		6,183,500	02-06-01	Kohler	
		6,183,773	02-06-01	Anderson	
		6,188,495	02-13-01	Inoue	
		6,197,020	03-06-01	O'Donnell, Jr.	
		6,208,749	03-27-01	Gutkiewicz-Krusin et al.	
		6,228,074	05-18-01	Almeida	
		6,251,127	06-26-01	Biel	
		6,264,649	07-01	Whitcroft et al.	
		6,269,818	08-07-01	Lui et al.	
		6,273,884	08-14-01	Altshuler	
		6,277,111	08-21-01	Clement	
		6,280,438	08-28-01	Eckhouse	
		6,290,713	09-18-01	Russell	
		6,379,376	04-30-02	Lubart	
		6,436,127	08-20-02	Anderson et al.	
		6,440,122	08-27-02	Shimoji	
		6,441,943	08-27-02	Roberts	
		6,508,813	01-21-03	Altshuler	
		6,511,475	01-28-03	Altshuler	

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		6,514,242	02-04-03	Vasily	
		6,516,013	02-04-03	Patzel	
		6,517,532	02-11-03	Altshuler	
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		6,758,845	07-04	Weckworth et al.	
		6,790,205	09-04	Yamazaki et al.	
		6,902,563	06-07-05	Wilkens et al.	
		2001-0023363	09-20-01	Harth et al.	
		2002-0005475 A1	01-17-02	Zenzie	
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		2002-0031160 A1	03-14-02	Desor	
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		2002-0128695	09-12-02	Harth et al.	
		2002-0151887 A1	10-17-02	Stern et al.	
		2002-0161357	10-31-02	Anderson et al.	
		2002-0161418	10-31-02	Wilkens et al.	

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Based on PTO/SB/08a (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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Substitute for form 1449A/PTO	Complete if Known
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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2002-0173780	11-21-02	Altshuler	
		2002-0173833	11-21-02	Korman et al.	
		2002-0183811 A1	12-05-02	Irwin	
		2003-0009158	01/09/03	Perricone	
		2003-0032950 A1	02-13-03	Altshuler	
		2003-0036751	02-20-03	Anderson	
		2003-0046825 A1	03-13-03	Slingo	
		2003-0050561 A1	03-13-03	Bazin et al.	
		2003-0055413	03-20-03	Altshuler	
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		2003-0094714 A1	05-22-03	Buazza et al.	
		2003-0105069 A1	06-05-03	Robinson et al.	
		2003-0133292 A1	07-17-03	Mueller et al.	
		2003-0138249 A1	07-24-03	Merloa et al.	
		2003-0146122 A1	08-07-03	Westfield et al.	
		2003-0169400 A1	09-11-03	Buazza et al.	
		2003-0177657 A1	09-25-03	Andis	
		2003-0195494	10-16-04	Altshuler et al.	
		2003-0199859	10-23-03	Altshuler et al.	
		2003-0216795	11-20-03	Harth et al.	
		2003-0233138 A1	12-18-03	Spooner	
		2004-0006328	01-08-04	Anderson	
		2004-0010298	01-15-04	Altshuler	
		2004-0010299	01-15-04	Tolkoff	
		2004-0034319	02-19-04	Anderson et al.	
		2004-0034341	02-19-04	Altshuler et al.	
		2004-0036975	02-26-04	Slatkine	
		2004-0073079	04-15-04	Altshuler et al.	
		2004-0093042	05-13-04	Altshuler et al.	
		2004-0122492	06-24-04	Harth et al.	
		2004-0167499	02-19-04	Grove	
		2004-0167500	08-26-04	Weckworth et al.	
		2004-0167502	08-26-04	Weckworth et al.	

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		2004-0167592	08-26-04	Grove et al.	
		2004-0176754	09-09-04	Island et al.	
		2004-0176823	09-09-04	Island et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Number Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		CN 2442726U	08-15-01	Jianping		
		DE 196 29 978 A1	01-29-98	Renner		
		EP 0 933 096 A2	08-04-99	Wynne		
		EP 1 116 476 A2	07-18-01	Conn		
		EP 1 168 535 A1	01-02-02	Shimonaka		
		EP 0 761 257 A2	03-12-03	Shinichi		
		FR 2 665 366	02-07-92	Rameil		
		JP 11-244295	09-14-99	Hirosuke		
		JP 2000-300683	10-31-00	Shimoji		
		WO 00-02491	01-20-00	Harth		
		WO 02-094116 A1	11-02	Altshuler		
		WO 03-017824 A2	03-06-03	McDaniel		
		WO 03-049633 A1	06-19-03	Slatkine		

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Sheet	9	of	14	Attorney Docket Number	354806-991100 (2502187-991100)

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Slincy, David, et al., "Safety With Lasers And Other Optical Sources, A Comprehensive Handbook", Plenum Press (1985), pp. 223-4, 477-480.	
		Hode, L., "Are Lasers More Dangerous Than IPL Instruments?", Lasers In Surgery And Medicine, Supplement, 15, 2003, p. 6; and poster presentation at corresponding conference.	
		2002 Skin & Aging, Supplement to November 2002, "Harnessing Light to Treat Stretch Marks and Other Hypopigmented Scars", pages 1-4.	
		Predicate Devices: LightSheer Diode Laser System by Star Medical/Coherent Star in 1997, K973324, K982940, K001746	
		Predicate Devices: SLP 1000 (LC 100) Diode Laser of Palomar Medical Technologies, K010580, K011747	
		Predicate Devices: Apex 800 Pulsed Diode Laser of IRIDEX Corporation, K020849	
		Predicate Devices: F1 Pulsed Diode Laser of Opus Medical, Inc., K030235	
		IEC Technical Report 60825-8, Safety of Laser Products – Guide for the Safe Use of Medical Laser Equipment	
		International Standard IEC 60825.1, Safety of Laser Products – Part 1: Equipment Classification, Requirements and User's Guide," Edition 1.2, August 2001, p. 11; p. 40, NOTE 2, Sub-note D; p. 52; p. 79	
		Predicate Devices: LightSheer Diode Laser System manufactured by Lumenis, Ltd.	
		Predicate Devices: Quantum Flash Lamp System manufactured by Lumenis, Ltd.	
		Predicate Devices: CoolGlide Excel YAG Laser by Altus, Inc.	

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		Predicate Devices: Oriel Instruments Model 48010, by Spectra-Physics, Stratford, CT	
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		Predicate Devices: Part no. HX8-101 or FAN-101, or CP 0.8-31-06L, from Melcor	
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				First Named Inventor	Tobin C. Island
				Art Unit	3739
				Examiner Name	Henry M. Johnson III
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